

REMARKS

Applicants respectfully request consideration of the subject application as amended herein. Claims 28-35 and 37-44 are currently pending in this application. Claims 1-27, 36, 45-54 have been cancelled.

Claim Rejections - 35 U.S.C. §102

Claims 28-35, and 37-44 were rejected under 35 U.S.C. 102 (e) as being anticipated by Lowe et al., US 6,709,667. Applicant respectfully disagrees.

It is well known that a rejection for anticipation must include all required claim elements in a single prior art reference. The Office Action has elements assembled in a piecemeal fashion, and therefore the cited elements do not logically follow applicant's claim arrangement. Independent claim 28 requires a lumen element to which the office action attributed to a non-existent element in figure 1 of the reference. However, this arrangement does not make sense because the lumen cited encircles the cited reference coil element (56) whereas the claim language requires the coil to encircle the lumen. The coil in the claim is different than the coil 12 in the reference.

Additionally, the reference coil (56) of figure 3 was cited to the coil element of claim 28. However, the reference coil (56) is part of a contraceptive device (12) and releasably coupled to a catheter (18) as shown in figure 2. The Office Action also cited the contraceptive device (12) to the contraceptive device of claim 28. The reference coil (56) cannot logically represent the coil element of claim 28 when it was also cited to be a different element (the contraceptive device).

Claim 28 also requires varying degrees of flexibility determined by constraining the coil. The reference coil (56) when constrained is not disclosed in the reference to possess varying degrees of flexibility, which is evident in figure 1B. The reference coil (56) is shown constrained to have smaller size when constrained.

It is readily apparent that the reference does not teach claim 28, and all claims dependent therefrom. In light of the foregoing arguments applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. 102 (e).


Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

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